

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Shenzhen Liown Electronics Co., Ltd.

Plaintiff,

vs.

Bed Bath & Beyond, Inc., Williams-
Sonoma Stores, Inc., Kohl’s Department
Stores, Inc., Costco Wholesale
Corporation, and PC Treasures, Inc.,

Defendants.

Case No. _____

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff Shenzhen Liown Electronics Co., Ltd. (“Shenzhen Liown”), for its Complaint against Defendants Bed Bath & Beyond, Inc. (“BBB”), Williams-Sonoma Stores, Inc. (“Williams-Sonoma”), Kohl’s Department Stores, Inc. (“Kohl’s”), Costco Wholesale Corporation (“Costco”), and PC Treasures, Inc. (“PC Treasures”) (collectively, “Defendants”) states and alleges as follows:

THE PARTIES, JURISDICTION AND VENUE

1. Plaintiff Shenzhen Liown is a company organized under the laws of the People’s Republic of China, with its principal place of business in China.
2. On information and belief, Defendant BBB is a New York corporation with its principal place of business at 650 Liberty Avenue, Union, New Jersey, 07083.

On information and belief, BBB's registered agent for service of process in Minnesota is Corporation Service Company, 380 Jackson Street #700, St. Paul, Minnesota, 55101.

3. On information and belief, Defendant Williams-Sonoma is a California corporation with its principal place of business at 3250 Van Ness Avenue, San Francisco, California, 94109. On information and belief, Williams-Sonoma's registered agent for service of process in Minnesota is Prentice-Hall Corporation System, Inc., 380 Jackson Street #700, St. Paul, Minnesota, 55101.

4. On information and belief, Defendant Kohl's is a Delaware corporation with its principal place of business at N56 W17000 Ridgewood Drive, Menomonee Falls, Wisconsin, 53051. On information and belief, Kohl's' registered agent for service of process in Minnesota is Corporate Creations Network Inc., 5200 Willson Road #150, Edina, Minnesota 55424.

5. On information and belief, Defendant Costco is a Washington corporation with its principal place of business at 999 Lake Drive, Issaquah, Washington, 98027. On information and belief, Costco's registered agent for service of process in Minnesota is C T Corporation System Inc., 100 S. 5th St. #1075, Minneapolis, Minnesota, 55402.

6. On information and belief, Defendant PC Treasures is a Michigan corporation with its principal place of business at 3720 Lapeer Road, Auburn Hills, Michigan, 48326.

7. This Court has personal jurisdiction over BBB, Williams-Sonoma, Kohl's, and Costco because they are registered in Minnesota and do business within this state. This Court has personal jurisdiction over PC Treasures because PC Treasures sells and

offers for sale infringing products over the internet, including to customers within the state of Minnesota.

8. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq.* and, more particularly, 35 U.S.C. §§ 271 and 281. Accordingly, this Court has federal question jurisdiction over Plaintiff's patent infringement claim pursuant to 28 U.S.C. §§ 1331 and 1338(a).

9. Venue is proper in this District, pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

BACKGROUND

Plaintiff's Patent and Infringement by Luminara Worldwide, LLC and the Defendants

10. Plaintiff manufactures and sells certain flameless candle products that realistically simulate the flame of a burning candle.

11. Plaintiff is the assignee possessing all substantial right, title, and interest in and to United States Patent No. 8,789,986 ("the '986 patent"), entitled "Electronic Lighting Device And Method For Manufacturing Same," which issued on July 29, 2014. Accordingly, Plaintiff has standing to sue for infringement of the '986 patent.

12. On information and belief, Luminara Worldwide, LLC ("Luminara") has manufactured, imports illegally into the United States, and sells and offers for sale through the United States and this District, flameless candles, including, without limitation, products sold under the names "Flameless Pillar Candles," "Luminara

Window Candles,” and “Luminara Candles” that infringe one or more claims of the ‘986 patent.

13. On information and belief, each of the Defendants has purchased infringing flameless candle products from Luminara and has sold and offered for sale such candles in the United States and in this district.

CAUSE OF ACTION

Count I: Patent Infringement **(Against All Defendants)**

14. Plaintiff realleges and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint.

15. Plaintiff is the assignee possessing all substantial right, title and interest in the ‘986 patent.

16. The ‘986 patent is valid, subsisting and in full force and effect. A copy of the ‘986 patent is attached hereto as **Exhibit A**.

17. On information and belief, Defendants BBB, Williams-Sonoma, Kohl’s, Costco, and PC Treasures have been, and still are, directly infringing, either literally or under the doctrine of equivalents, one or more claims of the ‘986 Patent by offering for sale and/or selling in the United States flameless candles that infringe the ‘986 Patent.

18. On information and belief, Defendants BBB, Williams-Sonoma, Kohl’s, Costco, and PC Treasures have been and still are indirectly infringing, either literally or under the doctrine of equivalents, one or more claims of the ‘986 patent by inducing third

parties to infringe claims of the '986 patent by offering for resale, and/or reselling in the United States flameless candles that realistically simulate the flame of a burning candle.

19. On information and belief, Defendants' infringement of the '986 patent has been willful and deliberate, rendering this case "exceptional" within the meaning of 35 U.S.C. § 285.

20. Defendants' infringement is ongoing, and will irreparably harm Plaintiff unless enjoined.

21. Defendants' infringement has harmed Plaintiff in an amount to be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests this Court's Order for Judgment as follows:

1. Awarding Plaintiff damages for patent infringement in an amount to be determined at trial, and permanently enjoining Defendants BBB, Williams-Sonoma, Kohl's, Costco, and PC Treasures from further infringement of the '986 patent;
2. Awarding Plaintiff its reasonable costs and attorneys' fees; and
3. Awarding Plaintiff such other or further relief as the Court may deem just and equitable.

JURY DEMAND

Plaintiff demands a trial by jury of all issues so triable.

Dated: November 9, 2014

WINTHROP & WEINSTINE, P.A.

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